

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CIVIL NO. 20-cv-199

MOLLY CORDELL)
)
Plaintiff(s),)
vs.)
CHEROKEE COUNTY, ET AL.,)
)
Defendant(s).)
)

**CERTIFICATION AND REPORT
OF FED. R. CIV. P. 26(F)
CONFERENCE AND
DISCOVERY PLAN**

1. Certification of Conference. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on August 17, 2020, by telephone and was conducted by the undersigned counsel for the designated parties in the above captioned case.
2. Pre-Discovery Disclosures. The majority of information required by Fed. R. Civ. P. 26(a)(1) (*check one*) [] has been exchanged [] in *Hogan v. Cherokee County*, 18 cv 96. To the extent that additional disclosures are necessary, those will be exchanged by September 20, 2020.

Discovery Plan. The Parties have moved to consolidate this case with *Heaven Cordell v. Cherokee County*, 20-cv-201, *Stephanie Godbold v. Cherokee County*, 1:20-cv- 202 and *Hogan*, and would request that discovery end August 2, 2021. The Parties jointly propose to the court the following discovery plan:

- a) Discovery Limits:
 - 1) Maximum of 20 interrogatories by plaintiff and 40 interrogatories from defendants collectively.
 - 2) Maximum of 20 requests for admission by plaintiff and 40 requests for admission from defendants collectively.
 - 3) Maximum of 15 fact depositions by plaintiff and 15 fact depositions by defendants collectively.
 - 4) Maximum of 5 depositions by written questions by plaintiff and 5 depositions by written questions by defendants collectively.

- b) Expert Witnesses: Plaintiff may designate up to 10 expert witnesses. Defendants collectively may designate up to 10 expert witnesses.
- c) Reports from retained experts under Rule 26(a)(2) will be due:
 - from plaintiff(s), six months after any final ruling on the Plaintiff's motion for class certification.
 - from defendant(s), sixty days after the Plaintiff's expert reports.

Supplementations under Rule 26(e) due within 30 days of discovery of information needed to be supplemented.

3. Other Items.

- a) The parties [] request [x] do not request a conference with the court before entry of the scheduling order. However, all counsel are available to discuss this report if the Court has questions or concerns.
- b) All potentially dispositive motions should be filed sixty days after discovery ends.
- c) Settlement: [] is likely
 - [] is unlikely
 - [x] cannot be evaluated prior to the end of discovery
 - [x] may be enhanced by use of the following ADR procedure:
 - [x] mediated settlement conference
 - [] binding arbitration
 - [] other _____

The parties agree that the above selected ADR procedure would be most useful if conducted:

- [] after resolution of any outstanding dispositive motions, but prior to further discovery;
- [] after an initial round of preliminary discovery to be completed by _____ (date);
- [x] after the completion of the second phase of discovery. The Parties have discussed selection of a mediator, and anticipate selecting one shortly.
- [] after resolution of summary judgment motions, if any;

[] not applicable.

- d) Pretrial submissions:
- 1) Final lists of witnesses and exhibits under Rule 26(a)(3) are due: from plaintiff and defendants by 30 days before trial.
 - 2) Proposed jury instructions are due from plaintiff and defendants 15 days before trial;
 - 3) Motions in limine are due from plaintiff and defendants 14 days before the pre-trial conference.
 - 4) Stipulations are due one week before the pretrial conference.
- e) If the case is ultimately tried, trial is expected to take approximately 7-10 days, although the length may change depending on the issues presented to the Court.
- f) [] The parties have discussed the issue of consent to the jurisdiction of a U.S. Magistrate Judge, and [] there is [x] there is not unanimous consent.

[If the parties unanimously consent to Magistrate Judge jurisdiction, the parties shall also file with the Court a Notice, Consent, and Reference of a Civil Action to a Magistrate Judge (AO 85)].

4. Please identify any other matters regarding discovery or case management which may require the Court's attention (e.g., concerns re: confidentiality, protective orders, preservation of ESI materials, unmovable scheduling conflicts, etc.):

This the 26th day of August, 2020.

s/ David A. Wijewickrama
s/ Brandon Christian

s/ Ron Moore

s/ Melissa Jackson

s/ Sean Perrin
s/ Patrick Flanagan
s/ John Kubis